



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

October 26, 2009

Ms. Robin Mills
Director, Directorate of Public Works
318 Cornog Lane
Fort Monroe, VA 23651

Re: Draft Environmental Impact Statement for Fort Monroe US Army Garrison Base
Realignment and Closure (BRAC) 2005 Disposal and Reuse of Surplus Nonreverting Property,
Fort Monroe, VA (CEQ #20090317)

Dear Ms. Mills:

In accordance with National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement for BRAC 2005 Disposal and Reuse of Fort Monroe, Virginia.

The purpose of the proposed action is to carry out the 2005 BRAC Commission's recommendations. The Department of the Army (Army) is obligated under the Base Closure Act to transfer the excess nonreverting property to new owners. Fort Monroe encompasses 570 acres. Approximately 290 acres of "reverting property" will pass from the United States to the Commonwealth of Virginia. Approximately 280 acres are considered "nonreverting property" which is lands that do not pass directly to the Commonwealth of Virginia. The EIS analyzes the disposal of nonreverting property while evaluating the impacts of closing the installation and considering reasonable reuse alternatives.

Two disposal alternatives are identified in the EIS for the nonreverting property (Early Transfer and Traditional), as well as the Caretaker Status Alternative (which might arise if disposal of BRAC properties were delayed prior to disposal), and the No Action Alternative. Under the Early Transfer Alternative, the Army has available various property transfer and disposal methods that allow the reuse of the property to occur before environmental remedial action has been completed. This method of early disposal allowable under the provision of Section 120 (h)(3)(C) of CERCLA, would be to defer the requirement to complete all necessary environmental cleanup prior to the transfer of the property and parcels could become available



for redevelopment and reuse sooner under this disposal alternative than under any other. Under the Traditional Disposal Alternative, the Army would transfer or dispose of property once environmental remediation is completed for individual parcels of the installation.

In addition to disposal alternatives for the proposed action, three reuse intensities are evaluated as secondary actions on nonreverting property to be disposed; they are the Lower Bracket Scenario, the Middle Bracket Scenario and the Upper Bracket Scenario. The Lower Bracket Scenario would be commensurate with current baseline conditions with respect to building intensity, but with the added effect of a recreational tourism destination (e.g., beaches, open space, military museums, historic structures, accommodations, and amenities). The Middle Bracket Scenario would be commensurate with reasonable long-term execution of the Fort Monroe Federal Area Development Authority (FMFADA) Reuse Plan. Although there would be infill and expanded development under this scenario, principally for residential and lodging construction, the intensity of reuse would still be commensurate with the medium intensity reuse (MIR) scenario with a floor area ratio (FAR) of 0.25 (based on combining existing structures, new office/retail/commercial structures, and new residential development). The Upper Bracket Scenario would be slightly more intense than the reuse proposed by the FMFADA, but still within a medium intensity of reuse (FAR of less than 0.3 when combining existing structures, new office/retail/commercial structures, and new residential development).

Although a preferred disposal alternative was not selected within the DEIS, EPA questions whether the Early Transfer Disposal Alternative is a viable alternative since there is still ongoing investigation work to be conducted in 2009 and 2010 resulting from nonconcurrence to the Community Environmental Response Facilitation Act (CERFA) Report by the Virginia Department of Environmental Quality (VDEQ) as a result of perceived data gaps.

Additionally, the DEIS states (on page 3-1) that "The Army expresses no preference with respect to reuse scenarios because decisions implementing reuse will be made by other entities." The purpose of the analysis is to provide data to help decision makers choose the best reuse alternative, and the Army can interpret its analysis to recommend the best scenario suitable for the site. Considering that Fort Monroe is a barrier island on a 100-year floodplain with extensive historical significance, it would seem reasonable that the Lower Bracket Scenario which is most compatible to existing land use conditions would be most conducive to the preservation and protection of the natural and historic resources on Fort Monroe.

Based on our review, EPA has rated the environmental impacts of the DEIS an "EC-2" (Environmental Concerns/Insufficient Information), which indicates that we have environmental concerns regarding the proposal and that there is insufficient information in the document to fully assess the environmental impacts of this project. A copy of the EPA's rating system is enclosed for your information. The basis of this rating is the concerns with hazardous and toxic substances, floodplains, stormwater management, water resources, and terrestrial habitat. Specific comments are addressed in the enclosure.



Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please feel free to contact Karen DelGrosso, the staff contact for this review, at 215-814-2765.

Sincerely,



Barbara J. Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosures (2)



EPA Region III Comments on DEIS BRAC 2005 Disposal and Reuse of Fort Monroe, VA

Hazardous and Toxic Substances

As discussed in Sections 3.2.3 and 4.13.1, the Army is required under CERCLA, as amended by Community Environmental Response Facilitation Action (CERFA) to identify uncontaminated property/parcels within 18 months of the date the property is selected for closure. The Army has categorized parcels through the analysis documented in the 2006 Environmental Condition of Property (ECP) Report for Fort Monroe. The CERFA Report, which identified the uncontaminated properties, was submitted to the regulatory agencies on January 10, 2007. The Virginia Department of Environmental Quality (VDEQ) did not concur with these designations due to perceived data gaps that the agency believed existed. Supplemental studies and investigations were initiated and a Draft Site Investigation Report was published in February 2008. Additional investigation work is being conducted in 2009 and 2010.

Because investigations are still underway and uncontaminated parcels have not been identified and agreed upon, it is not feasible to consider the Early Transfer Disposal Alternative. Until further site investigation is complete and designations determined, it is difficult to consider the Early Transfer Alternative therefore to remain within the context of the DEIS timeframe, it would be prudent to look only at the Traditional Disposal Alternative.

Floodplains

As stated on page 4-61, "According to the Federal Emergency Management Agency, Fort Monroe is located entirely within the 100-year floodplain, with the majority of Fort Monroe classified as having flood levels ranging from 9 to 10 feet." How has this information impacted the Reuse Plan since housing/residential communities planned would be at a significant risk?

Soils/Stormwater Management

Page 4-55 states that, "Many areas of Fort Monroe contain dredge-fill material." "The coastline soils at Fort Monroe are combinations of sand, silt, and clay of the Yorktown Formation that are subject to considerable erosion." Under the Middle Bracket Scenario up to 85 acres may ultimately be disturbed from redevelopment spread over the course of 20 years increasing impervious surface will increase from 24 percent (baseline conditions) to up to 27 percent at full build-out. The Upper Bracket Scenario will disturb 100 acres of land over the 20 year build-out period increasing impervious surface to 28 percent of the buildable area surface (4 percent above baseline).

Considering soil type and increased impervious surfaces proposed could adversely impact soil erosion, EPA questions whether there are best management practices suitable for the unique characteristics of the island and suggests that they be mentioned and addressed in the FEIS.



Water Resources

Page 4-62 mentions a new seawall and breakwater project but it does not mention the status of this project. Is it in progress, is it complete? If it is underway, the cumulative impacts of this project need to be addressed. Other pertinent information should be provided, such as location, size, purpose, environmental impacts, etc. Is this project addressed in another environmental document?

Also mentioned within this section on the same page, is that a marina expansion is planned, but no information was provided in the DEIS. Again, EPA is concerned with the cumulative environmental impacts and questions whether this project will be addressed in another environmental document.

Beach Nourishment

Page 4-103 states that under the Middle Bracket Scenario, "A northern connection between Fort Monroe and Buckroe areas may be constructed and beach nourishment along the Chesapeake Bay shoreline may occur. Following the PA, such construction would be beneficial to the Historic District by restoring the shoreline and enhancing the feel of the fort." The text should quantify to some degree the extent of this proposed project to consider environmental impacts. Also, it should be stated whether future environmental documentation would result for this proposed project.

Wetlands/Terrestrial Habitat/Aquatic Resources

Page 4-21 states that, "With the Middle Bracket Scenario, there would be a 5 percent (15 acres) loss of open space and one percent loss of natural areas and their respective viewsheds in comparison to the baseline condition and results in a minor long-term adverse effect." Page 4-177 states that, "Development will physically eliminate or diminish the character of highly disturbed natural resources on up to 25 acres of open green space and limited river bottom habitat for the construction of up to 5 docks." The DEIS should identify and quantify the types of natural resources impacted and lost. The impacted areas should be described to have a better understanding of the specific impact/loss.

The DEIS states that if the northern entrance were to be constructed in the future, then up to one acre of wetland habitat may also be disturbed. The FEIS should describe the wetlands that may be impacted.

Page 4-68 states that, Fort Monroe has close to 650 oak trees, 500 of them being "live oaks." "The Fort Monroe area is the northern-most habitat of live oak and several specimens on the installation are believed to be over 400 years old." Will the reuse alternatives impact the historic trees? The FEIS should identify and quantify the impact to terrestrial habitat, if any.

